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99TH CONGRESS
2d Session

SENATE

REPORT
99-263

REDUCTION OF TERMS OF OFFICE OF MEMBERS OF THE FEDERAL COMMUNICATIONS COMMISSION

MARCH 21 (legislative day, MARCH 18), 1986.—Ordered to be printed

Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, submitted the following

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REPORT

[To accompany S. 2179]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2179) to amend the Communications Act of 1934 to provide for reduction in the term of office of members of the Federal Communications Commission, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

S. 2179, as reported, shortens the length of the terms of Federal Communications Commission [FCC] members from 7 years to 5 years. It also adjusts the terms of two seats to ensure that a term will expire every year. The bill also provides that these changes shall not affect the terms of sitting FCC members.

BACKGROUND AND NEEDS

In 1982, in Public Law 97-253, Congress reduced the size of the FCC from seven members to five members. This reduction took effect on July 1, 1983. At that time, however, Congress did not adjust the length of the FCC members' terms from 7 years to 5 years.

As a result, no FCC terms will expire in 2 years out of every 7 years. For example, in 1989 and 1990, no terms are prescribed by law to end.

This is of concern to the Committee, for two reasons. First, the new President elected in 1988 may not have the opportunity to ap-

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point any member to the FCC until 1991. Similar gaps in a President's ability to appoint members to the Commission will occur in later years if no adjustment is made. Second, FCC nomination hearings provide the Committee with the opportunity to engage in oversight of Commission activities, as well as to examine the qualifications of a particular candidate. By adjusting the terms so that one term is prescribed to expire every year, the Committee will be better able to monitor regularly general Commission policies.

Legislative History

S. 2179 was introduced by Senator Goldwater on March 11, 1986. On March 13, 1986, the Committee ordered S. 2179 to be reported favorably, with an amendment.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, March 19, 1986.

Hon. John C. Danforth,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 2179, a bill to amend the Communications Act of 1934 to provide for a reduction in the term of office of members of the Federal Communications Commission (FCC), and for other purposes, as ordered reported by the Senate Committee on Commerce, Science, and Transportation, March 13, 1986. We estimate that enactment of this bill will result in no additional costs to the federal government or to state or local governments.

S. 2179 would reduce the term of office of members of the FCC from seven years to five years effective on the date of the bill's enactment. The bill contains a provision that would adjust and extend the expiration dates of two current appointments to ensure that all current terms expire by 1992 and a provision that would ensure that existing commissioners may serve out their current terms in full. It is expected that these changes will result in no additional costs to the FCC.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Rudolph G. Penner,
Director.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

S. 2179, in reducing the length of the terms of the members of the FCC, does not affect the term of any sitting member. Therefore, this bill has no regulatory or economic impact, nor any impact on personal privacy and paperwork burdens.

Section-by-Section Analysis

Subsection (a) of the first section of S. 2179 amends section 4(c) of the Communications Act of 1934 (47 U.S.C. 154(c)) to reduce the terms of Commissioners from 7 years to 5 years.

Subsection (b) of the first section provides that this reduction in the length of terms takes effect on the date of enactment of this act, except that:

1. Upon the expiration of the term set to expire on June 30, 1986, any person appointed to the FCC to fill the following term shall be eligible to serve until June 30, 1990; and any person appointed to the FCC term set to expire on June 30, 1987 shall be eligible to serve until June 30, 1989; and

2. Notwithstanding the reduction in terms from 7 years to 5 years, this act shall not affect the terms of any persons appointed to the terms set to expire on June 30, 1988, June 30, 1991, and June 30, 1992.

As the law currently stands, the Commission roster looks as follows:

Seat:	*Expires*
Fowler	1986
(Nominee pending)	1987
Dawson	1988
XXXXXX	1989
XXXXXX	1990
Quello	1991
Patrick	1992

After passage of this bill, the Commission roster will look as follows:

Seat:	*Expires*
Fowler	1986
XXXXXX	1987
Dawson	1988
(Nominee pending)	1989
(Successor to Fowler seat)	1990
Quello	1991
Patrick	1992

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

THE COMMUNICATIONS ACT OF 1934

SECTION 4 OF THAT ACT

PROVISIONS RELATING TO THE COMMISSION

SEC. 4. (a)–(b) * * *

(c) Commissioners shall be appointed for terms of [seven] *5* years and until their successors are appointed and have been confirmed and taken the oath of office, except that they shall not continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office; except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he succeeds. No vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.

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